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Director

**City of Detroit
Board of Zoning Appeals
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**REGULAR MEETING OF
OCTOBER 15, 2019
IN THE ERMA L. HENDERSON AUDITORIUM
ON THE 13TH FLOOR
COLEMAN A. YOUNG MUNICIPAL CENTER**

DOCKET

- I. OPENING:**
 - A. CALL TO ORDER.....9:00 A.M.**
 - B. ROLL CALL.....**

II. PROCEDURAL MATTERS

III. MINUTES:

- A. APPROVAL OF MINUTES: October 8, 2019**

IV. COMMUNICATIONS:

V. MISCELLANEOUS BUSINESS:

VI. PUBLIC HEARINGS:

9:15 a.m. CASE NO.: 62-19 (aka BSEED SLU2019-00040)

APPLICANT: HAMZAH YAHYA

**LOCATION: 7410, 7414, 7418, 7422, 7432, 7438 & 7446 W. Warren between
Prairie and American in a B4 zone (General Business District)-
City Council District #6**

**LEGAL DESCRIPTION OF PROPERTY: N WARREN 538 DOVERCOURT PARK
SUB L34 P89 PLATS, W C R 18/371 21 X 100; N WARREN 540
DOVERCOURT PARK SUB L34 P89 PLATS, W C R 18/371 21 X 100; N
WARREN 542&541 DOVERCOURT PARK SUB L34 P89 PLATS, W C R
18/371 42 X 100; N WARREN 543 DOVERCOURT PARK SUB L34 P89
PLATS, W C R 18/371 21 X 100; N WARREN 544 DOVERCOURT PARK SUB
L34 P89 PLATS, W C R 18/371 21 X 100; N WARREN 546&545
DOVERCOURT PARK SUB L34 P89 PLATS, W C R 18/371 44.5 X 100**

**PROPOSAL: Hamzah Yahya appeals the decision of the Buildings Safety and Engineering
and Environmental Department (SLU2019-00040) which DENIED the
construction of a Major Motor Vehicle Repair Facility with Used Motor Vehicle
Sales Lot in a new 3,200 square foot building in a B4 zone (General Business
District). This case is appealed because the Board of Zoning Appeals shall
hear and decide appeals from and review any order, requirement, decision,
or determination that is made by an administrative official in the
administration of this Zoning Ordinance, or any decision made by the
Buildings and Safety Engineering Department involving Conditional Uses,
Regulated Uses, or Controlled Uses, or any denial of a site plan by the
Planning and Development Department. Also, there is one (1) legally
established Used Auto Sales Lot within 1,000 feet of the proposed Used Auto
Sales Lot located at 7312-5- Central – 679 feet away, that must be addressed
at an additional hearing if the Board choses grant this request for the use and
reverse the Building Department’s decision. (Sections 61-4-91. Permitted
Dimensional Variances, General Dimensional Standards, 61-4-92. Other
variances and 61-3-231 General Approval Criteria).AP**

This Meeting is open to all members of the public under Michigan’s Open Meetings Act

10:00 a.m. **CASE NO.:** 63-19 (aka BSEED SLU2019-00043)
APPLICANT: KAMDAN ALHUSANINI
LOCATION: 7041, 7047, 7051, 7101, 7111 W. Warren between Proctor and Weatherby in a B4 zone (General Business District).-City Council District #6

LEGAL DESCRIPTION OF PROPERTY: S WARREN 64&63 E 10 FT 62 EXC WARREN AVE AS WD WILLIAM L HOLMES & FRANK A VERNORS SUB L16 P73 PLATS, WCR 18/366 70 X 102.56; S WARREN W 20 FT 62 EXC WARREN AVE AS WD WILLIAM L HOLMES & FRANK A VERNORS SUB L16 P73 PLATS, WCR 18/366 20 X 102.55; S WARREN 61 EXC WARREN AVE AS WD WILLIAM L HOLMES & FRANK A VERNORS SUB L16 P73 PLATS, WCR 18/366 30 X 102.54; S WARREN 60&59 EXC WARREN AVE AS WD WILLIAM L HOLMES & FRANK A VERNORS SUB L16 P73 PLATS, WCR 18/366 60 X 102.53; S WARREN 58&57 EXC WARREN AVE AS WD WILLIAM L HOLMES & FRANK A VERNORS SUB L16 P73 PLATS, WCR 18/366 60 X 102.52

PROPOSAL: Kamdan Alhusanini appeals the decision of the Buildings Safety and Engineering and Environmental Department (SLU2019-00043) which DENIED the establishment of a Major Motor Vehicle Repair Facility with Used Motor Vehicle Sales Lot in an existing 5,600 square foot building in a B4 zone (General Business District). This case is appealed because the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department. Also, there is one (1) legally established Used Auto Sales Lot within 1,000 feet of the proposed Used Auto Sales Lot located at 6734 W. Warren – 800 feet away, that must be addressed at an additional hearing if the Board chooses grant this request for the use and reverse the Building Department’s decision. (Sections 61-4-91. Permitted Dimensional Variances, General Dimensional Standards, 61-4-92. Other variances and 61-3-231 General Approval Criteria.)AP

10:45 a.m. **CASE NO.:** 97-17-Adjourned from May 29, 2018
APPLICANT: BODYWERKS, INC. / CHRISTOPHER KRASUSKY
LOCATION: 18700 Fitzpatrick St Between: Warwick St and Brace St in a M2 Zone (Restricted Industrial District) City Council District #7

LEGAL DESCRIPTION OF PROPERTY: N-E FITZPATRICK 583&584 AND VAC ALLEY N & ADJ EMERSON PARK SUB L55 P45 PLATS, W C R 22/322 110 X 170

PURPOSAL: Bodywerks, Inc. /Christopher Krasusky appealing to seek relief from regulations in this zoning ordinance on the basis that the denial of the application TO establish a Used Auto Dealer, Parts, Wrecking & Dismantling [Salvage] Use on a 18,687 sq. ft. lot in a 7,307 sq. ft. bldg., has deprived the applicant of all reasonable use of his or her property in a B4 zone (General Business District). For purposes of this Zoning Ordinance, a hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City of Detroit may provide the petitioner with relief from applicable zoning regulations in a M2 zone (Restricted Industrial District). This case is appealed

because the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any denial of a site plan by the Planning and Development Department. Also, any applicant for development may file a Hardship Relief Petition with the Buildings and Safety Engineering Department which seeks relief from any regulations in this zoning ordinance on the basis that the denial of the application has deprived the applicant of all reasonable use of his or her property and shall forward the application to the Board of Zoning Appeals. Prior to any public hearing, the Board shall review, through its staff, the submitted documents with the Law Department as to their completeness and relevance to the claim that the subject property has been subject to a denial of all reasonable economic use. Staff is reporting its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use; the current Used Auto Sales (Permit#7004 May 5, 1979) is located at 18700 Fitzpatrick in a M2 zone – the use is not allowed in a M2 zone, Dismantling Use does not have a permit on record (per BSEED): should the Hardship be granted, a variance for the Dismantling will need to be considered. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-101 Deprivation of Use of Property, 61-4-111 Review and Consultation with the Law Department, 61-4-124 Application of the “All Reasonable Economic Use” standard, 61-4-125 Burden of proof, 61-4-126 Findings of the Board of Zoning Appeals Sec. 61-4-127 Additional forms of relief and 61-4-81 Approval Criteria (if Hardship is approved).AP

- VII. PUBLIC COMMENT / NEW BUSINESS**
Next Hearing Date: October 22, 2019
- VIII. ADVISEMENTS / OLD BUSINESS**
- IX. MEETING ADJOURNED**

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including language translation and reasonable ADA accommodations. Please contact the Civil Rights, Inclusion and Opportunity Department at (313) 224-4950, through the TTY number 711, or email at crio@detroitmi.gov to schedule these services.